

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)	
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Development Services Department		DATE: 9/9/2014	
SUBJECT: STATUS OF ENFORCEMENT OF MARIJUANA DISPENSARIES					
PRIMARY CONTACT (NAME, PHONE): Mike Richmond, 619-533-6302 MS501			SECONDARY CONTACT (NAME, PHONE): Dan Normandin, 619-446-5388 MS501		
COMPLETE FOR ACCOUNTING PURPOSES					
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE): This is an information item. No action required.					
ROUTING AND APPROVALS					
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
Liaison Office		ORIG DEPT.	Vacchi, Robert	09/09/2014	
		CFO			
		DEPUTY CHIEF			
		COO			
		CITY ATTORNEY	Giorgino, Michael	09/10/2014	
		COUNCIL PRESIDENTS OFFICE			
PREPARATION OF:	<input type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)	
This is an informational item. No action is requested.					
STAFF RECOMMENDATIONS: Accept the report.					
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)					
COUNCIL DISTRICT(S):	citywide				
COMMUNITY AREA(S):	citywide				
ENVIRONMENTAL IMPACT:	"This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section §15060(c)(3)."				

CITY CLERK INSTRUCTIONS:	None
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**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 9/9/2014

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: STATUS OF ENFORCEMENT OF MARIJUANA DISPENSARIES

COUNCIL DISTRICT(S): citywide

CONTACT/PHONE NUMBER: Mike Richmond/619-533-6302 MS501

DESCRIPTIVE SUMMARY OF ITEM:

This is an information item on the background and current status of code enforcement of illegally operating marijuana dispensaries.

STAFF RECOMMENDATION:

Accept the report.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Code Enforcement Division (CED) of the Development Services Department (DSD) began enforcement of Marijuana Dispensaries in 2009. At that time, applicable zoning use regulations, as described in the San Diego Municipal Code, did not allow marijuana dispensary operations. Investigations were opened and enforcement action was taken to cause dispensary operations to cease. Notices of Violation often would include structural, plumbing, electrical, and mechanical modifications to existing commercial tenant spaces constructed without required permits and inspection approvals. Some of these improvements caused conditions identified as health and safety violations.

CED submitted all cases to the City Attorney's Code Enforcement Unit for further enforcement action.

In early January, 2013, then Mayor Filner directed CED to suspend enforcement of marijuana dispensaries. Shortly thereafter at the end of January, then Mayor Filner issued a press release indicating that enforcement of dispensaries would continue. CED proceeded with dispensary enforcement utilizing administrative remedies until August, 2013 when referral of cases to the City Attorney's office resumed.

Because of the high volume of marijuana dispensary case investigations that have opened over the past two years, CED has assigned two (2) Zoning Investigators to dispensary enforcement and fifty percent (0.5) of a Combination Inspector. These positions are not currently budgeted for dispensary enforcement and therefore create impacts to general citywide code enforcement staffing assignments.

Despite the adoption of O-20356 N.S. that provided for operation of Medical Marijuana Consumer Collectives in certain zones with an approved Conditional Use Permit, on-going enforcement of unauthorized dispensaries will continue. Cases continue to be referred to the City Attorney's office.

Attached is a matrix of Marijuana Dispensary Enforcement Statistics including a breakdown of current open cases by Council District.

FISCAL CONSIDERATIONS: None.

Vacchi, Robert
Originating Department

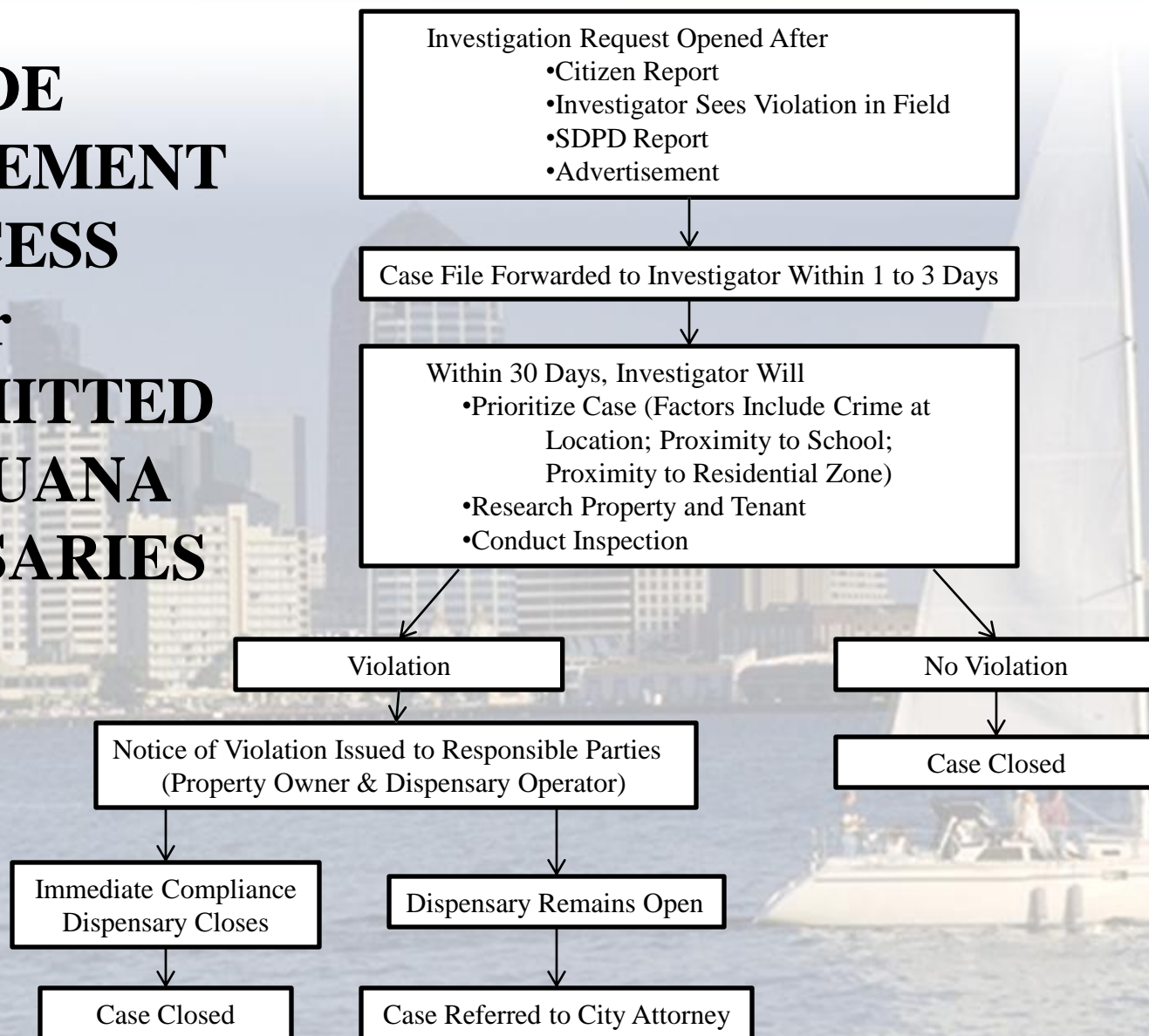
Deputy Chief/Chief Operating Officer

**DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION
MARIJUANA DISPENSARY
ENFORCEMENT STATISTICS
September 9, 2014**

2009 to 2012	Total Marijuana Dispensary Cases Opened	297
	Dispensaries Open on 12/31/12	4
	Dispensaries Closed on 12/31/12	293
2013 to 2014	Total Marijuana Dispensary Cases Opened	120
	Dispensaries Open on 09/09/14	44
	Dispensaries Closed on 09/09/14	76
Current Marijuana Dispensaries Open by Council District	CD 1	2
	CD 2	12
	CD 3	12
	CD 4	3
	CD 5	0
	CD 6	6
	CD 7	2
	CD 8	4
	CD 9	7



CODE ENFORCEMENT PROCESS for UNPERMITTED MARIJUANA DISPENSARIES



Stipulated Orders to Shut Down Dispensaries –
City Attorney's Code Enforcement Unit
September 8, 2014

1. City v. Habtamu Faries
Case #37-2011-00086573-CU-MC-CTL
2. City v. Bakim M. Shah
Case #37-2011-00091841-CU-MC-CTL
3. City v. Bakim M. Shah
Case #37-2011-00091842-CU-MC-CTL
4. City v. Steven Howard Greenwald, also known as Steven H. Greenwald
Case #37-2011-00098310-CU-MC-CTL
5. City v. Kimber Investment, et al.
Case #37-2011-00099868-CU-MC-CTL
6. City v. Trichomes, et al. (Omni Care Solutions, Medical Miracle Collective, Duane Bernard & Courtney Bernard)
Case #37-2011-00098172-CU-MC-CTL
7. City v. Trichomes, et al. (as to Healing Arts Cooperative & Daniel Guerrero)
Case #37-2011-00098172-CU-MC-CTL
8. City v. Absolute Collective, et al.)
Case #37-2011-00098168-CU-MC-CTL
9. City v. Heffler Holdings, et al
Case #37-2011-00098164-CU-MC-CTL
10. City v. Wong Sung Cha, et al.
Case #37-2011-00098166-CU-MC-CTL
11. City v. Michael D. Collins, et al.
Case #37-2011-00098170-CU-MC-CTL
12. City v. Herbameds, et al. (as to Saieb Abdulmeseh)
Case #37-2011-00098163-CU-MC-CTL
13. City v. Herbameds, Inc., et al. (as to Herbameds, Inc, Jordan Abeyta & Aquilante)
Case #37-2011-00098163-CU-MC-CTL
14. City v. Al Shao, et al. (as to Marcella Fodor & Gism Devleopment)
Case #37-2011-00099053-CU-MC-CTL
15. City v. Al Shao, et al. (as to Al Shao Inc, Adel Yalda, Albert Yalda & Alan Yalda)
Case #37-2011-00099053-CU-MC-CTL
16. City v. Geraldine Lee Goldman, et al.
Case #37-2011-00099059-CU-MC-CTL
17. City v. El Cajon Estates, et al.
Case #37-2011-00099058-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

18. *City v. El Cajon Estates, et al.*
Case #37-2011-00099058-CU-MC-CTL
19. *City v. R. Bruce Kleege, et al.*
Case #37-2011-00099169-CU-MC-CTL
20. *City v. Kakimon, et al.* (ZN 1473)
Case #37-2011-00099365-CU-MC-CTL
21. *City v. Jerome A. Sanfilippo, et al.*
Case #37-2011-00101644-CU-MC-CTL
22. *City v. San Diego Medical Collective* (as to Sean St. Peter)
Case #37-2011-00099051-CU-MC-CTL
23. *City v. San Diego Medical Collective* (as to SD Medical Collective, Barnette, Chappel
& McDonald)
Case #37-2011-00099051-CU-MC-CTL
24. *City v. San Diego Medical Collective*
Case #37-2011-00099051-CU-MC-CTL
25. *City v. Brandon T. Keith, et al.*
Case #37-2011-00099057-CU-MC-CTL
26. *City v. Richard Sells, et al.*
Case #37-2011-00098171-CU-MC-CTL
27. *City v. The Healing Cove Cooperative*
Case #37-2011-00100129-CU-MC-CTL
28. *City v. Tri City Holistic, et al.*
Case #37-2011-00099052-CU-MC-CTL
29. *City v. Tri City Holistic, et al.*
Case #37-2011-00099052-CU-MC-CTL
30. *City v. Lawrence J. Bailey, et al.*
Case #37-2011-00099054-CU-MC-CTL
31. *City v. Green Heart Cooperative, et al.*
Case #37-2011-00099784-CU-MC-CTL
32. *City v. Karisa Rae Karlovich, et al.*
Case #37-2011-00099779-CU-MC-CTL
33. *City v. Botanicure, Inc, et al.*
Case #37-2011-00100128-CU-MC-CTL
34. *City v. Botanicure, Inc, et al.* – as to Cohen Family
Case #37-2011-00100128-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

35. *City v. Onofrio Francesco Pecoraro*
Case #37-2011-00102575-CU-MC-CTL
36. *City v. San Diego Discount Caregivers, et al.* (as to Iowa St & Sickels only)
Case #37-2011-00099056-CU-MC-CTL
37. *City v. Coastal Green Collective, et al.* (as to Coastal Green Collec & Navasca)
Case #37-2011-00100130-CU-MC-CTL
38. *City v. Coastal Green Collective, et al.* (as to Sun Duk Kim & Yun Chi Kim)
Case #37-2011-00100130-CU-MC-CTL
39. *City v. Frosty Farms Coop., et al.*
Case #37-2011-00100143-CU-MC-CTL
40. *City v. Richard J. Wira, et al.* (as to Wira family)
Case #37-2011-00099055-CU-MC-CTL
41. *City v. Richard J. Wira, et al.* (as to SD Organic Collec & Banki)
Case #37-2011-00099055-CU-MC-CTL
42. *City v. RM-USE, LLC, et al.*
Case #37-2011-00100133-CU-MC-CTL
43. *City v. Lacy Lopez, et al.* (as to Lopez, O'Donnell & Coop)
Case #37-2011-00100900-CU-MC-CTL
44. *City v. Lacy Lopez, et al.* (as to Oliveris)
Case #37-2011-00100900-CU-MC-CTL
45. *City v. San Diego Sincere, et al.*
Case #37-2011-00100393-CU-MC-CTL
46. *City v. Nancy's Naturals, et al.*
Case #37-2011-00100869-CU-MC-CTL
47. *City v. The Kind Wellness Cooperative, et al.*
Case #37-2011-00100132-CU-MC-CTL
48. *City v Organic Medical Collective, et al.*
Case #37-2011-00100867-CU-MC-CTL
49. *City v. Joint Healing Inc., et al.*
Case #37-2011-00100418-CU-MC-CTL
50. *City v. B.C. Health Cooperative, et al.*
Case #37-2011-00100208-CU-MC-CTL
51. *City v. Medicinal Solutions Patient, et al.*
Case #37-2011-00100387-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

52. *City v. EC Medical Center, et al.*
Case #37-2011-00100507-CU-MC-CTL
53. *City v. Platinum Alternative Medical Cooperative, et al.*
Case #37-2011-00100385-CU-MC-CTL
54. *City v. Platinum Alternative Medical Cooperative, et al.*
Case #37-2011-00100385-CU-MC-CTL
55. *City v. B.C. Health Cooperative, et al.* (BC Hekath, Ho, Phan)
Case #37-2011-00100208-CU-MC-CTL
56. *City v. Antoine A. Georges, et al.*
Case #37-2011-00099363-CU-MC-CTL
57. *City v. Socal Healing Cooperative, et al.*
Case #37-2011-00101906-CU-MC-CTL
58. *City v. Platinum Alternative Medical, et al.* (McCrady & Cooperative)
Case #37-2011-00101190-CU-MC-CTL
59. *City v. Platinum Alternative Medical, et al.* (Robinson)
Case #37-2011-00101190-CU-MC-CTL
60. *City v. Global Syndication*
Case #37-2012-00090970-CU-MC-CTL
61. *City v. AGPC, Inc., et al.*
Case #37-2011-00100392-CU-MC-CTL
62. *City v. Thirty Health Center, et al.*
Case #37-2011-00100865-CU-MC-CTL
63. *City v. Thirty Health Center, et al.*
Case #37-2011-00100865-CU-MC-CTL
64. *City v. San Diego Medical Collective, et al.*
Case #37-2011-00099051-CU-MC-CTL
65. *City v. The Green Spot Pharmacy, et al.*
Case #37-2011-00101331-CU-MC-CTL
66. *City v. The Fire Station Cooperative, et al.*
Case #37-2011-00100868-CU-MC-CTL
67. *City v. Exeter Fiduciary Services, et al.*
Case #37-2011-00101187-CU-MC-CTL
68. *City v. Enrique Fonseca, et al.*
Case #37-2011-00099783-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

69. *City v. San Diego Holistic Healing, et al.*
Case #37-2011-001012147-CU-MC-CTL
70. *City v. Middletown LLC, et al.*
Case #37-2012-00091994-CU-MC-CTL
71. *City v. Andre Norman Lusti, et al.*
Case #37-2011-00099785-CU-MC-CTL
72. *City v. Andre Norman Lusti, et al.*
37-2011-00099785-CU-MC-CTL
73. *City v. Sunset Coast S.D. Cooperative, et al.*
37-2011-00100386-CU-MC-CTL
74. *City v. Werner Dreifuss*
37-2012-00091993-CU-MC-CTL
75. *City v. I and I Rootz Collective, et al.*
37-2011-00101907-CU-MC-CTL
76. *City v. The Petting Zoo, LLC, et al.*
37-2011-00100870-CU-MC-CTL
77. *City v. Niecy, Inc., et al.*
37-2011-00102574-CU-MC-CTL
78. *City v. Southern Lites Collective, Inc., et al.*
37-2011-00101188-CU-MC-CTL
79. *City v. World Wellness Center, et al.*
37-2011-00101189-CU-MC-CTL
80. *City v. The Sanchez Family Trust, et al.*
37-2011-00099362-CU-MC-CTL
81. *City v. GSC Wellness, Inc., et al.*
37-2011-00100866-CU-MC-CTL
82. *City v. Martha L. Vitale, et al.*
37-2011-00099364-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

83. *City v. Purple Holistic Gardens, et al.*
37-2011-00102613-CU-MC-CTL (corporation)
84. *City v. Purple Holistic Gardens, et al.*
37-2011-00102613-CU-MC-CTL (owner)
85. *City v. The Petting Zoo, LLC, et al.*
37-2011-00100870-CU-MC-CTL
86. *City v. The Peoples Collective, et al.*
37-2011-00101424-CU-MC-CTL
87. *City v. The Peoples Collective, et al.*
37-2011-00101424-CU-MC-CTL (as to Marquez)
88. *City v. John David Bols, et al.*
37-2011-00099781-CU-MC-CTL
89. *City v. I and I Rootz Collective, et al.* (as to I Rootz)
37-2011-00101907-CU-MC-CTL
90. *City v. Kimoanh Thi Nguyen, et al.*
37-2011-00099782-CU-MC-CTL (as to Nguyen)
91. *City v. Bankim M. Shah, et al.*
37-2011-00098167-CU-MC-CTL (Shahs)
92. *City v. George T. Strong-Roberts, et al.*
37-2011-00100206-CU-MC-CTL (Roberts)
93. *City v. A Higher Level Care Coop, et al.*
37-2011-00100127-CU-MC-CTL
94. *City v. Niecy, Inc., et al.*
37-2011-00102574-CU-MC-CTL (as to Osuna)
95. *City v. Ocean Beach Wellness Center Coop, et al.*
37-2011-0098165-CU-MC-CTL (Panos)
96. *City v. Michael D. Collins, et al.*
37-2011-00098170-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney's Code Enforcement Unit
September 8, 2014

97. *City v. Newport Joint Venture Coop, et al.*
37-2011-00100506-CU-MC-CTL (owners)
98. *City v. Newport Joint Venture Coop, et al.*
37-2011-00100506-CU-MC-CTL (coop)
99. *City v. Sports Arena Farmacy, et al.*
37-2011-00102146-CU-MC-CTL (Smith only)
100. *City v. Constitutional Wellness Center, et al.*
37-2012-00091213-CU-MC-CTL (Nelson only)
101. *City v. Constitutional Wellness Center, et al.*
37-2012-00091213-CU-MC-CTL (Awads only)
102. *City v. Green Bloom Collective, et al.*
37-2012-00092101-CU-MC-CTL (Marmol only)
103. *City v. GJ San Diego, Inc, et al.*
37-2011-00100391-CU-MC-CTL (Convoy Holdings only)
104. *City v. Green Bloom Collective, et al.*
37-2012-00092101-CU-MC-CTL (Green Bloom & West only)
105. *City v. San Diego Herbal Alternative, Inc, et al.*
37-2012-00092960-CU-MC-CTL (SD Herbal Alt & Schmachtenberger only)
106. *City v. Gourmet Green Room, LLC, et al.*
37-2012-00090843-CU-MC-CTL (La Jolla Business Center only)
107. *City v. Organic Growth Patients, et al.*
37-2011-00102571-CU-MC-CTL
108. *City v. Green Dove Cooperative, et al.*
37-2012-00092961-CU-MC-CTL
109. *City v. Brutus Collective, et al.*
37-2011-00099360-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

110. *City v. Waterfall Center, et al.*
37-2011-00099361-CU-MC-CTL
111. *City v. Balboa Park Medical Center, et al.*
37-2011-00100943-CU-MC-CTL
112. *City v. Rosecrans Herbal Care Inc., et al.*
37-2012-00094243-CU-MC-CTL
113. *City v. Enrique Fonseca, et al.*
37-2011-00099783-CU-MC-CTL
114. *City v. Next Generation Delivery, Inc., et al.*
37-2012-00095717-CU-MC-CTL
115. *City v. GSC Wellness, Inc., et al.*
37-2011-00100866-CU-MC-CTL
116. *City v. Geraldine Lee Goldman, et al.*
37-2011-00099059-CU-MC-CTL
117. *City v. LDG Midway Plaza, et al.*
37-2012-00100143-CU-MC-CTL
118. *City v. Simply Green Caregivers, et al.*
37-2011-00099780-CU-MC-CTL
119. *City v. John I. Nobel, et al.*
37-2011-00099050-CU-MC-CTL
120. *City v. Bankim M. Shah, et al.*
37-2011-00098167-CU-MC-CTL
121. *City v. George T. Strong-Roberts, et al.*
37-2011-00100206-CU-MC-CTL (Green & Gold/Enriquez only)
122. *City v. Bankim M. Shah, et al.*
37-2011-00098167-CU-MC-CTL (Oasis Herbal & Golyan only)
123. *City v. Medicinal Solutions Patient, et al.*
37-2011-00100387-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

124. *City v. One on One Patients Assn., et al.*
37-2012-00098875-CU-MC-CTL
125. *City v. Balboa Park Medical Center, et al.*
37-2011-00100943-CU-MC-CTL
126. *City v. Waterfall Center, et al.*
37-2011-00099361-CU-MC-CTL
127. *City v. San Diego Discount Caregivers, et al.* (as to SDDCC & Caspino only)
37-2011-00099056-CU-MC-CTL
128. *City v. Socal Healing Cooperative, et al.*
37-2011-00101906-CU-MC-CTL
129. *City v. The Holistic Café, Inc. et al.*
37-2012-00087648-CU-MC-CTL
130. *City v. Building Repair, et al.*
37-2011-00102572-CU-MC-CTL
131. *City v. Next Generation Delivery, et al.*
37-2012-00095717-CU-MC-CTL
132. *City v. Brutus Collective, et al.*
37-2011-00099360-CU-MC-CTL (Brutus & Spaulding)
133. *City v. Rosecrans Herbal Care, et al.*
37-2012-00094243-CU-MC-CTL
134. *City v. Martha L. Vitale, et al.*
37-2011-00099364-CU-MC-CTL (Melendez)
135. *City v. San Diego Organic Wellness, et al.*
37-2011-00102929-CU-MC-CTL (Melendez)
136. *City v. Golden West Collective, et al.*
37-2011-00103254-CU-MC-CTL (Melendez)
137. *City v. John David Bols, et al.*
37-2011-00099781-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

138. *City v. John David Bols, et al.)*
37-2011-00100484-CU-MC-CTL
139. *City v. Medicated, et al.*
37-2013-00072514-CU-MC-CTL
140. *City v. Mari-Medic Farmacy, et al*
37-2013-00072509-CU-MC-CTL
141. *City v. Hermelinda Gonzalez, et al.*
37-2013-00070020-CU-MC-CTL
142. *City v. PB Collective, et al.*
37-2014-00002117-CU-MC-CTL
143. *City v. PB Collective, et al.*
37-2014-0002117-CU-MC-CTL
144. *City v. Fresh Alternative Consulting, et al.*
37-2014-00005595-CU-MC-CTL
145. *City v. SB Health, Inc, et al.*
37-2014-00005597-CU-MC-CTL
146. *City v. The Green Banner, Inc., et al.*
37-2014-00016627-CU-MC-CTL
147. *City v. M E Meds, et al. (Stalnacker)*
37-2014-00016254-CU-MC-CTL
148. *City v. Downtown Patients Group, Inc., et al. (Gloor & ELD)*
37-2014-00018091-CU-MC-CTL
149. *City v. The Green Banner, Inc., et al.*
37-2014-00016627-CU-MC-CTL (Trojan)
150. *City v. Jeffrey G. Flowers*
37-2014-00020570-CU-MC-CTL

Stipulated Orders to Shut Down Dispensaries –
City Attorney’s Code Enforcement Unit
September 8, 2014

151. *City v. Meds*, et al. (Young Chung)
37-2014-00016254-CU-MC-CTL
152. *City v. Gregg D. Sullivan*, et al. (Sullivan)
37-2014-00015873-CU-MC-CTL
153. *City v. Gregg D. Sullivan*, et al. (Mitchell)
37-2014-00015873-CU-MC-CTL
154. *City v. Dennis Stathoulis*, et al.
37-2014-00015839-CU-MC-CTL (Kozel)
155. *City v. PB 45 Cap*, et al.
37-2014-0008699-CU-MC-CTL (PB45Cap)
156. *City v. Socal Med Aid*, et al.
37-2014-00018603-CU-MC-CTL (Siavash & Ghamaty)
157. *City v. ME Meds*, et al.
37-2014-00016254-CU-MC-CTL (White)
158. *City v. Broadway Holistic Center*, et al.
37-2014-00022733-CU-MC-CTL (Miracrest&Bonaguidi)
159. *City v. Socal Meds*, et al.
37-2014-00018603-CU-MC-CTL (Otomo & Vikhong)
160. *City v. The Tree Club*, et al.
37-2014-00020897-CU-MC-CTL (TreeClub & McClanahan)
161. *City v. RM-USE*, et al.
37-2014-00022324-CU-MC-CTL (GreenNectar&Johnson)
162. *City v. RM-USE*, et al.
37-2014-00022324-CU-MC-CTL (Reynold)
163. *City v. Karisa Karlovich*, et al.
37-2014-00021906-CU-MC-CTL (Karlovich)

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

DATE: September 18, 2014
TO: Public Safety and Livable Neighborhoods Committee
FROM: City Attorney
SUBJECT: City Attorney's Report on Status of Enforcement of Marijuana
Dispensaries

Our report to the Committee is in the form of Questions and Answers that are attached,
along with the attachments thereto.

By 

JAN I. GOLDSMITH, CITY ATTORNEY

JIG:MSG:jdf
Attachments

cc: Honorable Mayor and City Councilmembers

Active Dispensary Cases in City Attorney Code Enforcement Unit

September 8, 2014

	DISPENSARY	STATUS
1.	Undisclosed Location	Investigation
2.	4417 Ranier Avenue “Living Green Cooperative”	Investigation
3.	841 Turquoise Street, Suite E-1 “Dank on Turquoise”	Investigation
4.	3632-3636 University Ave “Golden Gate”	Investigation
5.	6559 El Cajon Blvd. – “The Bakery”	Investigation
6.	4255 Market Street – “Market Greens”	Investigation.
7.	6957 El Cajon Blvd “Green Vine Collective”	Investigation.
8.	3140 El Cajon Blvd “Green Urban Association”	Investigation.
9.	5544 La Jolla Blvd “Nature’s Alternative Care”	Investigation
10.	6575 El Cajon Blvd “MJ Wellness”	Investigation
11.	2056 1st Avenue “Green Cellar”	Civil Complaint filed on 7/30/14 - (<i>City v. GREEN CELLAR, INC., a California corporation; ANTONIO ARTURO JOSEPH FERRER III, an individual; HARBOR WEST PROPERTIES, LLC, a California limited liability company; AMAD ATTISHA, an individual. Case No. 37-2014-00025380-CU-MC-CTL</i>)
12.	4535 30 th Street – “High Grade Collective”	Investigation - Dispensary initially closed but reopened.

Active Dispensary Cases in City Attorney Code Enforcement Unit

September 8, 2014

13.	2107 3rd Avenue “Crown Patient Group”	Civil Complaint filed on 5/22/14 - (<i>City v. THE GREEN BANNER, INC., a California corporation; LANCE PAUL KACHI, an individual; WILLIAM CLIFFORD FERGUSON also known as WILLIAM CLIFFORD PROVANCHA, an individual and Trustee of THE FERGUSON TRUST 10-4-95. Case No. 37-2014-00016627-CU-MC-CTL</i>) Owner settled on 5/27/14. Dispensary closed on 6/1/14 but reopened. Temporary Restraining Order (TRO) granted on 8/28/14 ordering dispensary to cease operating within 24 hours.
14.	936 Garnet Avenue – “ Planet Greens”	As a result of litigation with owner, owner filed unlawful detainer action (ULD) against Planet Greens on 4/15/14. ULD in litigation. Investigation ongoing as to dispensary.
15.	3455 Camino del Rio South – “ Kindest Meds”	Civil Complaint filed on 6/25/14 - (<i>City v. KINDEST MEDS, INC., a California nonprofit mutual benefit corporation; CHRISTOPHER BOUDREAU, as an individual; LEROY DAN BAIN, as an individual, and as trustee of BAIN FAMILY TRUST dated August 25, 2005; THELMA JEAN HARMON BAIN, as an individual, and as trustee of BAIN FAMILY TRUST dated August 25, 2005. Case No. 37-2014-0020893-CU-MC-CTL</i>)
16.	743 9th Avenue – “Downtown Patients Group, Inc.”	Civil Complaint filed on 6/5/14 - (<i>City v. Downtown Patients Group, Inc., a California corporation; Belsen Consultations, Inc., a California corporation; Lorena Figueroa, an individual; E.L.D. Investments, Inc., a Nevada Corp; Eldon Gloor, an individual. Case No. 37-2014-00018091-CU-MC-CTL</i>). Stipulated Permanent Injunction entered with property owner on 6/20/14. Litigating with dispensary operator.
17.	5560 La Jolla Blvd – “Ocean View Organics”	Investigation. As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation.
18.	2603 University Avenue – “Organic Roots Delivery”	Civil Complaint filed on 9/4/14 - (<i>City v. ORGANIC ROOTS DELIVERY, INC.; a California corporation; JANKO GRMUSA, an individual; JOHN NOBEL, an individual and as co-trustee of THE NOBEL FAMILY TRUST created February 18, 1998; MAHIN NOBEL, an individual and as co-trustee of THE NOBEL FAMILY TRUST created February 18, 1998. Case No. 37-2014-000-CU-MC-CTL</i>). As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation.
19.	2015 Garnet Avenue – “Patient Med Aid San Diego”	Investigation. As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation.
20.	4284 Market Street – “United Wellness”	Complaint filed 4/03/14 against property owner. (<i>City v. STONECREST PLAZA, LLC, a Limited Liability Company; SALAM RAZUKI, an individual. Case No. 37-2014-00009664-CU-MC-CTL</i>) 5/9/14 Amended Complaint to add dispensary operator and dispensary. TRO granted on 6/24/14. Operator has appealed Court order – hearing on 7/9/14. As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation.
21.	2621 El Cajon Blvd – “Nature’s Solution”	Previous action against property owners for dispensary – they are seeking to set aside judgment. New dispensary opened. Filed new complaint on 7/30/14. (<i>City v. NATURE’S SOLUTION, INC., a California corporation; MALCOLM FAMILY PROPERTIES, LLC; a limited liability company; DARLENE RAE MALCOLM, an individual; LINDA MALCOLM, an individual; Case No. 37-2014-00025384-CU-MC-CTL</i>) TRO granted on 8/27/14 ordering operator to cease operating within 24 hours.

Active Dispensary Cases in City Attorney Code Enforcement Unit

September 8, 2014

22.	1150 Garnet Avenue – “So Cal Holistic Health”	As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation. Investigating new dispensary.
Dispensaries Closed Due to Court Action But Cases Actively Being Litigated		
23.	1033 6 th Avenue – The Tree Club	Civil Complaint filed on 6/25/14 - (<i>City v. The Tree Club Cooperative, Inc., a California Corp; JONAH McClanahan, an individual; John C. Ramistella, an individual; JL 6th Avenue Property, LLC, a California limited liability company; Lawrence E. Geraci, also known as Larry Geraci, an individual; Jeffrey Kacha, an individual.</i> Case No. 37-2014-00020897-CU-MC-CTL). Settled with dispensary operator on 8/27/14.
24.	1150 Garnet Avenue “San Diego Organic Wellness”	CEU in litigation with property owner since 2011 regarding previous case filed against owner regarding former dispensary at property which is now closed. (Case No. 37-2011-00102929-CU-MC-CTL) Trial set for 1/30/15.
25.	2603 University Avenue – “Golden West Collective”	CEU in litigation with property owner since 2011 regarding previous case filed against owner regarding former dispensary at property. (Case No. 37-2011-00103254-CU-MC-CTL) Civil Court Trial set for 1/30/15.
26.	936 Garnet Avenue “Green Earth Management”	CEU in litigation with property owner since 2011 regarding previous case filed against owner and former dispensary at property (Case No. 37-2011-00099050-CU-MC-CTL). Motion for Summary Judgment (MSJ) granted in City’s favor on 6/20/14. Hearing on civil penalties portion of MSJ on 8/29/14 – owner ordered to pay \$120,000; final injunction judgment entered.
27.	1251 Rosecrans Street “Rosecrans Wellness Center”	Civil Complaint filed on 7/1/14 - (<i>City v. KARISA RAE KARLOVICH, an individual and Trustee of the KARLOVICH REVOCABLE DECLARATION OF TRUST DATED JULY 20, 2007; ROSECRANS WELLNESS CENTER, a California corporation; LUCKY PHOUNSY, an individual;</i> Case No. 37-2014-00021906-CU-MC-CTL) TRO granted on 9/2/14 ordering operator to cease operating within 24 hours. Stipulated Permanent Injunction with property owner entered on 9/5/14. Litigating with operator.
28.	2425 Camino del Rio South #130 “ Presidential Greens”	Civil Complaint filed on 7/9/14 - (<i>City v. PRESIDENTIAL COLLECTIVE, a California corp; THOMAS NAEMI, an individual; MISSION VALLEY CORNERSTONE PROPERTY, LLC, a California Limited Liability Company; CHERYL HANLEY, an individual; CHRISTEN HANLEY, an individual.</i> Case No. 37-2014-00022681 -CU-MC-CTL)
29.	325 W. Washington Street, Suite 5 “Mission Hills Greenery”	Civil complaint filed on 6/6/14 - (<i>City v. KRISTIE LYNN EDWARDS;</i> Case No. 37-2014-00018278-CU-MC-CTL).

Active Dispensary Cases in City Attorney Code Enforcement Unit

September 8, 2014

30.	3812 Ray Street, Suite B – “A Greener Alternative Association, Inc.”	Civil Complaint filed on 5/20/14. (<i>City v. A GREENER ALTERNATIVE ASSOCIATION, INC., a California corporation; SEAN MICHAEL KAJJY, an individual; NORMAN GENE TROYAN, an individual and Trustee under Declaration of Trusts A and B dated April 28, 1976</i>) Case No. 37-2014-00016127-CU-MC-CTL) Stipulated Permanent Injunction with property owner entered on 7/16/14. Litigating with operator.
31.	3045 Rosecrans Street, #207 – “Green Wellness Association, Inc.”	Civil Complaint filed on 3/06/14. (<i>City v. GREEN WELLNESS ASSOCIATION, INC., a California corporation; SON DINH, an individual; JOHN I. NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; MAHIN NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; PARVIZ HAKAKHA, an individual; JUDITH HAKAKHA, an individual;</i> Case No. 37-2014-00005601-CU-MC-CTL) TRO granted on 3/25/14. Settled with dispensary operator but not property owner.
32.	3045 Rosecrans Street, #214 – “Greenworks”	Civil Complaint filed on 3/06/14. (<i>City v. S.C.C.G., INC., a California corporation; STEVE E. MORA, an individual; JOHN I. NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; MAHIN NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; PARVIZ HAKAKHA, an individual; JUDITH HAKAKHA, an individual;</i> Case No. 37-2014-00005582-CU-MC-CTL) TRO granted on 3/19/14. . Settled with or defaulted dispensary operator – litigating with property owner.
33.	3045 Rosecrans Street #208 – “Fresh Alternative, Inc.”	Complaint filed on 3/6/14. (<i>City v. FRESH ALTERNATIVE CONSULTING, INC., a California corporation; CRAIG KNIGHT, an individual; JOHN I. NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; MAHIN NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; PARVIZ HAKAKHA, an individual; JUDITH HAKAKHA, an individual;</i> Case no. 37-2014-00005595-CU-MC-CTL) TRO granted on 3/25/14. Settled with or defaulted dispensary operator – litigating with property owner.
34.	3045 Rosecrans Street #310 – “SB Health, Inc.”	Complaint filed on 3/6/14. (<i>City v. SB HEALTH, INC., a California Mutual Benefit corporation; BRIAN SCOTT ROTHENBERG, an individual; STEPHANIE THERESA MARQUIS, an individual; JOHN I. NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; MAHIN NOBEL, as an individual and Co-Trustee of the Nobel Family Trust; PARVIZ HAKAKHA, an individual; JUDITH HAKAKHA, an individual;</i> Case No. 37-2014-00005597-CU-MC-CTL) TRO granted on 3/25/14. Settled with or defaulted dispensary operators – litigating with property owner.
35.	4688 Cass Street Dispensary – “PB 45 Cap, Inc.”	Civil Complaint filed on 3/27/14. (<i>City v. PB 45 CAP, INC., a California nonprofit mutual benefit corporation; SHANE CORY TIMMS, as an individual, as owner of PB 45 Cap, Inc., as president of PB 45 CAP, INC., and as incorporator of PB 45 Cap, Inc.; NOBEL FAMILY TRUST DATED FEBRUARY 18, 1998, a trust; JOHN I. NOBEL, as an individual, and as trustee of Nobel Family Trust Dated February 18, 1998; MAHIN NOBEL, as an individual, and as trustee of Nobel Family Trust Dated February 18, 1998;</i> Case No. 37-2014-00008699-CU-MC-CTL) TRO granted against Property Owner, Dispensary and Operator on 6/5/14. As a result of litigation with owner, unlawful detainer action (ULD) filed against dispensary - ULD in litigation. Settlement with PB 45 Cap & Timms only on 7/18/14. Preliminary Injunction obtained on 7/18/14 – litigating with property owner.

Active Dispensary Cases in City Attorney Code Enforcement Unit

September 8, 2014

36.	2110 Hancock Street (two dispensaries) “Green Nectar Coop Delivery” – Suite 202;	Civil Complaint filed on 7/7/14 - (<i>City v. RM-USE, LLC, a California Limited Liability Company; RONALD LEE REYNOLDS, also known as RON REYNOLDS, an individual; CHARLES A. MILLER, an individual; GREEN NECTAR EJM COOPERATIVE, INC., a California corporation dba EJ MARKETING dba GREEN NECTAR CO-OP DELIVERY SERVICE; EBON JOHNSON, an individual.</i> Case No. 37-2014-00022324 -CU-MC-CTL). TRO granted on 8/4/14 ordering dispensary to cease operating within 24 hours. Settled with dispensary operator 8/27/14. Stipulated Permanent Injunction with property owner entered on 9/5/14.
37.	2110 Hancock Street (two dispensaries) “Skyline Holistics” – Suite 300	Civil Complaint filed on 7/7/14 - (<i>City v. RM-USE, LLC, a California Limited Liability Company; RONALD LEE REYNOLDS, also known as RON REYNOLDS, an individual; CHARLES A. MILLER, an individual; GREEN NECTAR EJM COOPERATIVE, INC., a California corporation dba EJ MARKETING dba GREEN NECTAR CO-OP DELIVERY SERVICE; EBON JOHNSON, an individual.</i> Case No. 37-2014-00022324 -CU-MC-CTL) TRO granted on 8/4/14 ordering dispensary to cease operating within 24 hours. Stipulated Permanent Injunction with property owner entered on 9/5/14.
38.	6780 Miramar Road, #203 “Miramar Holistic Center”	Civil Complaint filed on 7/10/14 - (<i>City v. BROADWAY HOLISTIC CENTER, a California Corporation; Jery Mikhail Loussia, an individual; Miracrest Plaza Associates, a California Limited Liability Partnership; Patrick Bonaguidi, an individual;</i> Case No. 37-2014-0022733-CU-MC-CTL) . Stipulated Permanent Injunction with property owner entered on 8/13/14.
39.	3677 University Avenue – “Natural Roots, Inc./5 Star Meds”	Civil Complaint filed on 5/27/14 - (<i>City v. NATURAL ROOTS, INC., a California corporation; DAVID LEE WILSON; an individual;</i> Case No. 37-2014-00016874-CU-MC-CTL). 8/5/14 Amended Complaint adding DOES 1-3, Luis Lopez-Yanez, Roberto Sanchez and Markus Haynes.
40.	2621 El Cajon Blvd – “Central Wellness”	Complaint filed 10/10/13 (<i>City v. MALCOLM FAMILY PROPERTIES, LLC; a limited liability company; DARLENE RAE MALCOLM, an individual; LINDA MALCOLM, an individual; QUINTINN P. HOLI, an individual; THAO LAM HOANG, an individual,</i> Case No. 37-2013-00068658-CU-MC-CTL) Dispensary closed due to TRO filed- Default judgment entered against owners and operator on 12/13/13 - \$77,500 judgment against owner; \$62,500 judgment against operator; Hearing to set Aside Default scheduled 10/10/14.

What is the City Attorney's position on shuttering illegal marijuana dispensaries?

The City Attorney has not personally stated his position. But, he has repeatedly addressed this issue on a professional level.

Under City Charter section 40, it is "the City Attorney's duty...to prosecute for all offenses against the ordinances of the City..." The City Attorney, however, does not set priorities in enforcement of zoning ordinances.

Since nearly all our zoning enforcement cases are referred to our office by Code Enforcement Division ("CED") [formerly Neighborhood Code Compliance], a unit under the Mayor's office, the Mayor has the unilateral authority to determine whether shuttering marijuana dispensaries is a priority.

Has your office been successful in shuttering illegal marijuana dispensaries in San Diego?

Yes. When our office has been asked to enforce the laws, we have done so. Attached is a list of 163 orders shuttering dispensaries which were the result of cases we filed. Our lawyers have achieved a nearly 100% success rate in cases referred to us for prosecution. The strategy we use was developed in 2011 and has since been replicated by other cities in California.

What has been your strategy and how has it been implemented?

We file civil lawsuits against property owners and dispensary operators for violation of the City zoning laws, which do not allow for marijuana dispensaries. After we obtain sufficient evidence, we petition the court for an order to shutter the dispensary, advocate our position at a due process hearing and obtain the order in nearly all cases. We use law enforcement to enforce the order. If the order is later violated, we file civil or criminal contempt actions.

When we first began with this strategy in 2011, we faced a team of dispensary lawyers who argued that it was illegal for the City to prohibit dispensaries by failing to allow them under zoning laws. Our office filed a group of twelve test cases and were successful in all of them. Following those test cases, we continued to successfully prosecute nearly all cases sent to us by CED.

The evidence we need to pursue a case is the identity of the owners and operators and evidence that the establishment is an on-going marijuana dispensary. The evidence needs to be in sufficient form to be admissible in court. Often, dispensaries will attempt to disguise, hide and engage in other types of gamesmanship. That may delay us a bit, but won't change the final outcome.

Our office will always consider alternative strategies for particular cases. For example, we recently obtained a permanent injunction against a dispensary in Pacific Beach and the court ordered the owners to pay the City over \$120,000 in civil penalties and costs.

Can't police just enter the illegal dispensaries and shut them down?

In some situations they can and have. For example, that is what occurred on July 28, 2014, on Cass Street in Pacific Beach. In that situation, police were assisting our office in enforcing a court order to shutter the dispensary.

However, we are enforcing zoning laws, not federal or state drug laws such as felony meth possession or sale. Drug cases typically involve the Drug Enforcement Agency and law enforcement and they can involve raids. Prosecution of federal drug laws involve the U.S. Attorney and state felony drug laws involve the District Attorney.

Generally, the City is not empowered to summarily raid and shut down use of a building on the basis of an alleged zoning violation without due process (i.e., a court or administrative hearing.) There are good reasons for that. There are limited exceptions that might apply to individual cases. We will use them when they occur.

We can enforce the law without taking shortcuts that would expose the City to federal civil rights lawsuits and million dollar verdicts. We just need the consistency of the Mayor and City Council, the resources and patience to ensure due process is followed.

What has been the biggest impediment to enforcement?

Inconsistency.

Federal enforcement of drug laws has been erratic. At one point, the U.S. Attorney's office began enforcing federal laws banning marijuana and worked closely with our office in shuttering dispensaries. Then, they were instructed to hold back. If you are not going to enforce federal laws, repeal them and allow the states/localities to deal with the issue. But, to have laws on the books that make marijuana possession illegal and not enforce those laws is the worst situation because the states and localities are unable to adopt solutions that are inconsistent with federal laws which, by the way, the federal government is not enforcing right now but might in the future.

On the local level, we have also experienced inconsistencies for a variety of reasons. Before August 2011, enforcement was minimal as the City Council was trying to work out a dispensary ordinance. The number of dispensaries grew. After the ordinance was rescinded, we were asked by then Mayor Sanders and Chief Lansdowne to "go shut them down", which our lawyers did. Our lawyers, in conjunction with the U.S. Attorney, shut down nearly all active dispensaries by late 2012. After Bob Filner became Mayor in December 2012, however, he instructed CED to stop sending cases to our office. Again, the number of dispensaries grew. Now, we're back to "go shut them down" mode. But, we had fallen behind due to the nearly year-long lax enforcement and have to catch up.

Since Mayor Filner's resignation, our lawyers began receiving new cases from CED and we are trying to, again, get control. Our lawyers continue to enjoy great success in the courtroom, but we are making up for a year and these cases take time given due process and

court calendars, as well as the typical avoidance gamesmanship played by the dispensaries. In addition, this time we do not have assistance from the U.S. Attorney.

We currently have 40 cases pending of which 17 have already resulted in shuttered illegal dispensaries (a list of Active Dispensary Cases is attached). When we receive more cases, we will file more and obtain more court orders shuttering illegal dispensaries.

We will do whatever the Mayor and City Council want. Enforcement of zoning laws, however, is not something that is easy to turn on and off. Consistency is very important.

What suggestions do you have to improve enforcement?

Going forward, in addition to consistency, if the Mayor and City Council want to be more aggressive in getting quicker results, the best way to do so in our opinion is to increase the Code Enforcement Division's resources. CED, which operates under the Mayor's administration, investigates cases and determines whether to send them to us for enforcement. CED works up the evidence we use to show that the storefront is a dispensary, often having to deal with disguised uses. CED opens investigations based upon complaints and has limited staff.

If a more aggressive approach is desired, the City could empanel a task force composed of the San Diego Police Department, CED, the City Attorney's Office, and drug enforcement agencies.

Even absent a strike force, with more resources, CED could be proactive in seeking out possible dispensaries rather than wait for complaints, use undercover investigators and handle more investigations in a timelier manner. In addition, through further investigations, CED might discover other criminal activities that could be reported to police and serve the basis for further action, including raids. CED staff does great work, but the volume of these cases, on top of their other zoning enforcement workload, is challenging and does not allow them to be as pro-active as they could be.

[Date]

NOTICE OF VIOLATION

Location: [Click (2) Here To Enter Location]

APN NO.: [(3) Enter APN# Here]

Property Owner/
Responsible Person: [(4) Enter Responsible Person Here]
Address: [Enter Owner's Address Here]
[Enter City, State, Zip Here]

Tenant:
Address:

Agent(s):
Address:

Attorney:
Address:

Zone: [(6) Enter Zone Here]

Representatives of the Code Enforcement Section, Development Services Department conducted an inspection of above referenced premises on [Enter Date Here].

The property is located within the City of San Diego. The property was developed as a [Enter Use] in [Enter Date Here].

The specific elements in violation include, but may not be limited to the following::

The current tenant, [Enter Dispensary Name], is operating a Marijuana Dispensary in [Enter Violation Address Here]. **The [Zone Designation] zone does not permit Marijuana Dispensaries (without a Conditional Use Permit - If applicable).** *(Describe and list any signage related to the dispensary. – If Appropriate)* ([Enter Dispensary Name] is located within a 600-foot radius of [Enter School Name] located at [Enter School Address]. – If Appropriate)

In addition, tenant improvements have been constructed without the proper permits, inspections

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 2

and approvals. Non-permitted walls have been erected without required permits and inspections. Electrical work has been installed without required permits and inspections. *(Use as Applicable)*

In accordance with the San Diego Municipal Code (SDMC) and the California Building Code (CBC) *(and California Health and Safety Code (H&SC) – if appropriate)* this is to notify you that the following violations were observed.

The specific code sections in violation are , but may not be limited to, the following:

<u>SDMC Sec.</u>	<u>Violation Description</u>
131.0420 and 131.0422	<p>The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B.</p> <p>(a) Within the residential zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section or Section 131.0422. The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.</p> <p><i>(Applicable for Residential Zones)</i></p>
131.0520 and 131.0522	<p>The regulations of Section 131.0522 apply in the commercial zones unless otherwise specifically provided by footnotes indicated in Table 131-05B.</p> <p>(a) Within the commercial zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section or Section 131.0522. The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.</p> <p><i>(Applicable for Commercial Zones)</i></p>
131.0620 and 131.0622	<p>The regulations of Section 131.0622 apply in the industrial zones unless otherwise specifically provided by footnotes indicated in Table 131-06B.</p>

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 3

(a) Within the industrial zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-06B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section and Section 131.0622. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Industrial Zones)

15X.XXXX

Failure to comply with the [Enter Planned District] Planned District Use Regulations. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Planned Districts)

121.0302

Failure to comply with the Land Development Code:

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:

(1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any structures.

(4) To maintain or allow the existence of any condition that creates a public nuisance.

129.0202

When a Building Permit Is Required

(a) No structure regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each structure has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.

(Use when Appropriate)

129.0111

General Rules for Construction Permit Inspections

All work for which a construction permit is issued shall be subject to inspection by the Building Official. Required inspections shall be performed in accordance with the inspection procedures established by the City Manager, except as may be exempted by the Land Development Code. Inspections that may be required are

listed in the Land Development Manual.

(Use when Appropriate)

129.0302

When an Electrical Permit Is Required

No electrical wiring, device, appliance, or equipment shall be installed within or on any structure or premises nor shall any alteration, addition, or replacement be made in any existing wiring, device, appliance, or equipment unless an Electrical Permit has been obtained for the work, except as exempted in Section 129.0303.

(Use when Appropriate)

129.0314

Required Inspections for an Electrical Permit

All construction work and equipment authorized by an Electrical Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

(Use when Appropriate)

129.0402

When a Plumbing/Mechanical Permit Is Required

(a) No plumbing system, or portion of a plumbing system, shall be installed within or on any structure or premises, nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.

(b) No heating, ventilating, air conditioning, or refrigeration system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0404.

(Use when Appropriate)

129.0405

General Rules for Plumbing/Mechanical Permits

(e) The Building Official shall inspect, and reinspect as the Official determines to be necessary, all plumbing, heating, ventilating, air conditioning, or refrigeration system installations and shall keep complete records of all permits, inspections, and reinspections.

(Use when Appropriate)

129.0802

Failure to Obtain the Required Sign Permit.

A Sign Permit is required for the installation or alteration of any *Sign*. Sign Permit Stickers are required for each *sign*. The sticker is applicable to one *sign* at one location.

(Use when Appropriate)

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 5

142.0710

Air Contaminant Regulations

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located.

(Use when Appropriate)

H&SC Sec.

Violation Description

11362.768(b)

No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.

(Use when Appropriate)

You are hereby ordered to correct the violations by completing the following actions set forth below:

Immediately:

Cease operating and maintaining the Marijuana Dispensary and ensure it does not reopen.

Remove all signage relating to the marijuana dispensary. *(If Applicable)*

Obtain required permits and inspections to remove non-permitted walls. Obtain required permits and inspections to remove non-permitted electrical work. *(If Applicable)*

The property owner is strictly liable for all violations occurring on this property.

This case has been referred to the Code Enforcement Unit of the City Attorney's Office for prosecution.

Be advised that there is a reinspection fee (\$269.00 or \$288.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions concerning this Notice of Violation please contact

[Click (17)Here To Enter Name] at (619) [Click (18)Here To Enter Phone Number] or [Click (17)Here To Enter Name] at (619) [Click (18)Here To Enter Phone Number] .

Notice of Violation

[Enter Violation Address [Here](#)]

[Enter Date [Here](#)]

Page 6

[Click (17)[Here To Enter Name](#)]

[Click [Here](#) to Enter Title]

[Click (17)[Here To Enter Name](#)]

[Click [Here](#) to Enter Title]

[INV/INSP] / [Typists Int]

cc: Property Owner Attorney *(If Applicable)*
 Tenant Attorney *(If Applicable)*
 Council District #, MS 10A
 File

CE# [Click (23)[Here To Enter Case #](#)]

This information will be made available in alternative formats upon request.

[Enter File Notation [Here](#)]

[Date]

NOTICE AND ORDER TO STOP USE NOTICE OF VIOLATION

Location: [\[Click \(2\) Here To Enter Location\]](#)

APN NO.: [\[\(3\) Enter APN# Here\]](#)

Property Owner/
Responsible Person: [\[\(4\) Enter Property Owner Here\]](#)
Address: [\[Enter Responsible Person Here\]](#)
[\[Enter Owner's Address Here\]](#)
[\[Enter City, State, Zip Here\]](#)

Tenant:
Address: [\[\(5\) Enter Tenant Here\]](#)
[\[Enter Tenants Address Here\]](#)
[\[Enter City, State, Zip Here\]](#)

Agent(s): [\[Enter Name Here\]](#)
Address: [\[Enter Address Here\]](#)
[\[Enter City, State, Zip Here\]](#)

Attorney: [\[Enter Name Here\]](#)
Address: [\[Enter Address Here\]](#)
[\[Enter City, State, Zip Here\]](#)

Zone: [\[\(6\) Enter Zone Here\]](#)

Representatives of the Code Enforcement Division, Development Services Department conducted an inspection of above referenced premises on [\[Enter Date Here\]](#) .

The property is located within the City of San Diego. The property was developed as a [\[Enter Use\]](#) in [\[Enter Date Here\]](#) .

The specific elements in violation include, but may not be limited to the following:

The current tenant, [\[Enter Dispensary Name\]](#) , is operating a Marijuana Dispensary in [\[Enter Violation Address Here\]](#) . The use of the property as a Marijuana Dispensary must

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 2

immediately cease and the building must be immediately vacated. The [Zone Designation] zone does not permit Marijuana Dispensaries (without a Conditional Use Permit - If applicable). (Describe and list any signage related to the dispensary. – If Appropriate)
([Enter Dispensary Name] is located within a 600-foot radius of [Enter School Name] located at [Enter School Address] . – If Appropriate)

In addition, tenant improvements have been constructed without the proper permits, inspections and approvals. Non-permitted walls have been erected without required permits and inspections. Electrical work has been installed without required permits and inspections. (Use as Applicable)

In accordance with the San Diego Municipal Code (SDMC) and the California Building Code (CBC) (and California Health and Safety Code (H&SC) – if appropriate) this is to notify you that the following violations were observed.

The specific code sections in violation are , but may not be limited to, the following:

SDMC Sec.

Violation Description

**131.0420 and
131.0422**

The regulations of Section 131.0422 apply in the residential zones unless otherwise specifically provided by footnotes indicated in Table 131-04B.
(a) Within the residential zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-04B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section or Section 131.0422. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Residential Zones)

**131.0520 and
131.0522**

The regulations of Section 131.0522 apply in the commercial zones unless otherwise specifically provided by footnotes indicated in Table 131-05B.
(a) Within the commercial zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any premises for any purpose or activity

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 3

not listed in this section or Section 131.0522. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Commercial Zones)

**131.0620 and
131.0622**

The regulations of Section 131.0622 apply in the industrial zones unless otherwise specifically provided by footnotes indicated in Table 131-06B.

(a) Within the industrial zones, no structure or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any premises be used or maintained except for one or more of the purposes or activities listed in Table 131-06B. It is unlawful to establish, maintain, or use any premises for any purpose or activity not listed in this section and Section 131.0622. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Industrial Zones)

15X.XXXX

Failure to comply with the [Enter Planned District] Planned District Use Regulations. **The operation of a Marijuana Dispensary is not permitted in this Zone or within any zone in the City of San Diego.**

(Applicable for Planned Districts)

121.0302

Failure to comply with the Land Development Code:

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:

(1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any structures.

(4) To maintain or allow the existence of any condition that creates a public nuisance.

129.0202

When a Building Permit Is Required

(a) No structure regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each structure has first been obtained from the Building Official, except as exempted in Sections

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 4

129.0202(b) and 129.0203.

(Use when Appropriate)

129.0111

General Rules for Construction Permit Inspections

All work for which a construction permit is issued shall be subject to inspection by the Building Official. Required inspections shall be performed in accordance with the inspection procedures established by the City Manager, except as may be exempted by the Land Development Code. Inspections that may be required are listed in the Land Development Manual.

(Use when Appropriate)

129.0302

When an Electrical Permit Is Required

No electrical wiring, device, appliance, or equipment shall be installed within or on any structure or premises nor shall any alteration, addition, or replacement be made in any existing wiring, device, appliance, or equipment unless an Electrical Permit has been obtained for the work, except as exempted in Section 129.0303.

(Use when Appropriate)

129.0314

Required Inspections for an Electrical Permit

All construction work and equipment authorized by an Electrical Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

(Use when Appropriate)

129.0402

When a Plumbing/Mechanical Permit Is Required

(a) No plumbing system, or portion of a plumbing system, shall be installed within or on any structure or premises, nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0403.

(b) No heating, ventilating, air conditioning, or refrigeration system or part thereof shall be installed, altered, replaced, or repaired unless a Plumbing/Mechanical Permit has been obtained for the work except as exempted in Section 129.0404.

(Use when Appropriate)

129.0405

General Rules for Plumbing/Mechanical Permits

(e) The Building Official shall inspect, and reinspect as the Official determines to be necessary, all plumbing, heating, ventilating, air conditioning, or refrigeration system installations and shall keep complete records of all permits, inspections, and reinspections.

(Use when Appropriate)

Notice of Violation

[Enter Violation Address Here]

[Enter Date Here]

Page 5

129.0802

Failure to Obtain the Required Sign Permit.

A Sign Permit is required for the installation or alteration of any *Sign*. Sign Permit Stickers are required for each *sign*. The sticker is applicable to one *sign* at one location.

(Use when Appropriate)

142.0710

Air Contaminant Regulations

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located.

(Use when Appropriate)

H&SC Sec.

Violation Description

11362.768(b)

No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.

(Use when Appropriate)

Pursuant to SDMC section 121.0310, you are hereby ordered to immediately stop the illegal use at the property by immediately ceasing the operation or maintenance of an illegal Marijuana Dispensary. You are ordered to vacate the suite/structure where the dispensary is operating. You are further ordered to take immediate action to address the ongoing zoning and building violations by completing the following actions set forth below:

Remove all signage relating to the marijuana dispensary. *(If Applicable)*

Obtain required permits and inspections to remove non-permitted walls. Obtain required permits and inspections to remove non-permitted electrical work. *(If Applicable)*
The property owner is strictly liable for all violations occurring on this property.

In addition the City may withhold the issuance of City permits pursuant to SDMC 121.0311, including withholding the issuance of a Conditional Use Permit to operate a Medical Marijuana Consumer Cooperatives (MMCC).

Notice of Violation

[Enter Violation Address [Here](#)]

[Enter Date [Here](#)]

Page 6

This case has been referred to the Code Enforcement Unit of the City Attorney's Office for prosecution.

If you have any questions concerning this Notice of Violation please contact

**[Click (17)[Here](#) To Enter Name] at (619) [Click (18)[Here](#) To Enter Phone Number] or
[Click (17)[Here](#) To Enter Name] at (619) [Click (18)[Here](#) To Enter Phone Number] .**

**[Click (17)[Here](#) To Enter Name]
[Click [Here](#) to Enter Title]**

**[Click (17)[Here](#) To Enter Name]
[Click [Here](#) to Enter Title]**

[INV/INSP] / [Typists Int]

cc: Property Owner Attorney *(If Applicable)*
Tenant Attorney *(If Applicable)*
Council District #, MS 10A
File

CE# [Click (23)[Here](#) To Enter Case #]

This information will be made available in alternative formats upon request.

[Enter File Notation [Here](#)]